

SMILEY WANG-EKVALL, LLP

3200 Park Center Drive, Suite 250

Costa Mesa, California 92626

Tel 714 445-1000 • Fax 714 445-1002

SMILEY WANG-EKVALL, LLP

Philip E. Strok, State Bar No. 169296

pstrok@swelawfirm.com

Kyra E. Andrassy, State Bar No. 207959

kandrassy@swelawfirm.com

Timothy W. Evanston, State Bar No. 319342

tevanston@swelawfirm.com

3200 Park Center Drive, Suite 250

Costa Mesa, California 92626

Telephone: 714 445-1000

Facsimile: 714 445-1002

Attorneys for Elissa D. Miller,
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re

GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**STIPULATION REGARDING
DISTRIBUTION OF XARELTO
SETTLEMENT PAYMENT TO CLIENT
(C. GARIBALDI)**

[No Hearing Required]

TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE:

Elissa D. Miller, the chapter 7 trustee of the bankruptcy estate of Girardi Keese (the "Trustee"), Archer Systems, LLC ("Archer"), and C. Garibaldi (the "Client"), through their attorneys, enter into this *Stipulation Regarding Distribution of Xarelto Settlement Payment to Client (C. Garibaldi)* (the "Stipulation") and stipulate as follows:

RECITALS

A. On December 18, 2020 (the "Petition Date"), an involuntary chapter 7 bankruptcy petition ("Petition") was filed against Girardi Keese ("Debtor"). As of the filing of the involuntary petition, Debtor was counsel of record in a significant number of matters which were undertaken on a contingency basis.

1 B. The petitioning creditors moved for the appointment of an interim trustee
2 which was granted by the Court by order entered January 5, 2021. The Trustee was
3 appointed as the interim chapter 7 trustee on January 6, 2021. The order for relief was
4 entered January 13, 2021 and, the same date, the Trustee was reappointed and has
5 been serving in that capacity since.

6 C. Prior to the Petition Date, the Debtor was retained by the Client as the
7 representative of A. Garibaldi (the "Claimant") in connection with an action pending in the
8 U.S. District Court, Eastern District of Louisiana entitled *In re: Xarelto (Rivaroxaban)*
9 *Products Liability Litigation*, MDL 2592. The case has settled and the Claimant has been
10 awarded a settlement from the Xarelto Qualified Settlement Fund. Archer is the Lien
11 Resolution Administrator for the Xarelto Settlement Program and is responsible for
12 distributing the funds from the Xarelto Qualified Settlement Fund to the claimants. The
13 Claimant is deceased and the Client is his surviving spouse.

14 D. Pursuant to the fee agreement, the Debtor was to receive a percentage of
15 the gross settlement payments, plus reimbursement of costs.

16 E. In July 2020, the Debtor received a payment of \$15,026.98 (the "First
17 Payment"). That payment was to be disbursed according to the terms of the retention
18 agreement. The Trustee believes that the Debtor, however, failed to remit any portion of
19 this payment to the Client.

20 F. Archer is currently holding an additional payment on account of the claim of
21 the Client in the amount of \$3,589.87 (the "Second Payment"). The amount of the
22 Second Payment is less than the total amount the Client would have received had the
23 Client received the balance due to the Client from the First Payment combined with the
24 balance due to the Client from the Second Payment.

25 **STIPULATION**

26 In light of the foregoing, the parties stipulate as follows:

27 (1) Archer is authorized and directed to remit the Second Payment to the
28 Trustee;

1 (2) The Trustee will disburse 100% of the Second Payment to the Client,
2 without taking anything for the Estate. The Trustee waives any contingency fee of the
3 Estate to the Second Payment.

4 **IT IS SO STIPULATED.**

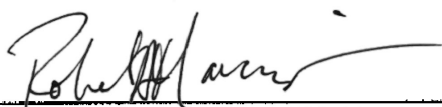
5
6 DATED: December 15, 2021

SMILEY WANG-EKVALL, LLP

7
8 By: /s/ Kyra E. Andrassy
9 KYRA E. ANDRASSY
10 Attorneys for Elissa D. Miller, Chapter 7
Trustee of Glrardi Keese

11 DATED: December __, 2021

ARCHER SYSTEMS, LLC

12
13 By: 
14 Robert A. Marcino, Esq., Chief Project Officer

15
16 DATED: December 30, 2021

17 
18 CATHERINE GARIBALDI

SMILEY WANG-EKVALL, LLP
3200 Park Center Drive, Suite 250
Costa Mesa, California 92626
Tel 714 445-1000 • Fax 714 445-1002

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION REGARDING DISTRIBUTION OF XARELTO SETTLEMENT PAYMENT TO CLIENT (C. GARIBALDI)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **February 2, 2022** I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) **February 2, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1660
Los Angeles, CA 90012

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 2, 2022

Date

Gabriela Gomez-Cruz

Printed Name

/s/ Gabriela Gomez-Cruz

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Kyra E Andrassy kandrassy@swelawfirm.com,
lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- Rafey Balabanian rbalabanian@edelson.com, docket@edelson.com
- Michelle Balady mb@bedfordlg.com, leo@bedfordlg.com
- Ori S Blumenfeld ori@marguliesfaithlaw.com,
Helen@MarguliesFaithLaw.com;Angela@MarguliesFaithLaw.com;Vicky@MarguliesFaithLaw.com
- Evan C Borges eborges@ggtriallaw.com, cwinsten@ggtriallaw.com
- Richard D Buckley richard.buckley@arentfox.com
- Steve Burnell sburnell@sulmeyerlaw.com,
sburnell@ecf.courtdrive.com;sburnell@ecf.inforuptcy.com;mviramontes@sulmeyerlaw.com
- Marie E Christiansen mchristiansen@vedderprice.com, ecfladocket@vedderprice.com,marie-christiansen-4166@ecf.pacerpro.com
- Jennifer Witherell Crastz jcrastz@hrhlaw.com
- Ashleigh A Danker Ashleigh.danker@dinsmore.com,
SDCMLFiles@DINSMORE.COM;Katrice.ortiz@dinsmore.com
- Lei Lei Wang Ekvall - DECEASED - lekvall@swelawfirm.com,
lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- Richard W Esterkin richard.esterkin@morganlewis.com
- Timothy W Evanston tevanston@swelawfirm.com,
gcruz@swelawfirm.com;lgarrett@swelawfirm.com;jchung@swelawfirm.com
- Jeremy Faith Jeremy@MarguliesFaithlaw.com,
Helen@MarguliesFaithlaw.com;Angela@MarguliesFaithlaw.com;Vicky@MarguliesFaithlaw.com
- James J Finsten jimfinsten@hotmail.com
- Alan W Forsley alan.forsley@flpllp.com, awf@fkllawfirm.com,awf@fl-lawyers.net,addy.flores@flpllp.com
- Larry W Gabriel lgabrielaw@outlook.com, tinadow17@gmail.com
- Eric D Goldberg eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com
- Andrew Goodman agoodman@andyglaw.com, Goodman.AndrewR102467@notify.bestcase.com
- Suzanne C Grandt suzanne.grandt@calbar.ca.gov, joan.randolph@calbar.ca.gov
- Steven T Gubner sgubner@bg.law, ecf@bg.law
- Marshall J Hogan mhogan@swlaw.com, knestuk@swlaw.com
- Sheryl K Ith sith@cookseylaw.com, sith@ecf.courtdrive.com
- Razmig Izakelian razmigizakelian@quinnemanuel.com
- Lillian Jordan ENOTICES@DONLINRECANO.COM, RMAPA@DONLINRECANO.COM
- Lewis R Landau Lew@Landaunet.com
- Daniel A Lev dlev@sulmeyerlaw.com, ccaldwell@sulmeyerlaw.com;dlev@ecf.inforuptcy.com
- Elizabeth A Lombard elombard@zwickerpc.com, bknotices@zwickerpc.com
- Kathleen P March kmarch@bkylawfirm.com, kmarch3@sbcglobal.net
- Craig G Margulies Craig@MarguliesFaithlaw.com,
Vicky@MarguliesFaithlaw.com;Helen@MarguliesFaithlaw.com;Angela@MarguliesFaithlaw.com
- Ron Maroko ron.maroko@usdoj.gov
- Peter J Mastan peter.mastan@dinsmore.com, SDCMLFiles@dinsmore.com;Katrice.ortiz@dinsmore.com

- Edith R. Matthai ematthai@romalaw.com, lrobie@romalaw.com
- Daniel J McCarthy dmccarthy@hillfarrer.com, spadilla@hillfarrer.com;nchacon@hfbllp.com
- Elissa Miller (TR) CA71@ecfcbis.com,
MillerTrustee@Sulmeyerlaw.com;C124@ecfcbis.com;ccaldwell@sulmeyerlaw.com
- Eric A Mitnick MitnickLaw@aol.com, mitnicklaw@gmail.com
- Gilbert M Nishimura gnishimura@snw-law.com, schin@snw-law.com;sgalindo@snw-law.com;ffilimona@snw-law.com
- Scott Olson scott.olson@bclplaw.com, scott-olson-2161@ecf.pacerpro.com,ecfsfdocket@vedderprice.com,nortega@vedderprice.com
- Carmela Pagay ctp@lnbyb.com
- Leonard Pena lpena@penalaw.com, penasomaecf@gmail.com;penalr72746@notify.bestcase.com
- Michael J Quinn mquinn@vedderprice.com, ecfladocket@vedderprice.com,michael-quinn-2870@ecf.pacerpro.com
- David M Reeder david@reederlaw.com, secretary@reederlaw.com
- Ronald N Richards ron@ronaldrichards.com, morani@ronaldrichards.com
- Kevin C Ronk Kevin@portilloronk.com, Attorneys@portilloronk.com
- Frank X Ruggier frank@ruggierlaw.com, enotice@pricelawgroup.com
- William F Savino wsavino@woodsoviatt.com, lherald@woodsoviatt.com
- Kenneth John Shaffer johnshaffer@quinnemanuel.com
- Richard M Steingard , awong@steingardlaw.com
- Philip E Strok pstrok@swelawfirm.com,
gcruz@swelawfirm.com;1garrett@swelawfirm.com;jchung@swelawfirm.com
- Boris Treyzon bt@treyzon.com, sgonzales@actslaw.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- Eric D Winston ericwinston@quinnemanuel.com
- Christopher K.S. Wong christopher.wong@arentfox.com, yvonne.li@arentfox.com
- Robert M Yaspan court@yaspanlaw.com, tmenachian@yaspanlaw.com
- Timothy J Yoo tjy@lnbyb.com